

resolve, we have been able to forge a good agreement.

I see the time has arrived for the votes. I ask unanimous consent to print in the RECORD the following relating to establishment of a victims' compensation fund.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE BIPARTISAN COMPROMISE: ESTABLISHMENT OF A SEPTEMBER 11 VICTIMS' COMPENSATION FUND

CREATION OF THE SEPTEMBER 11 VICTIMS' COMPENSATION PROGRAM

Congress shall authorize and appropriate such funds as may be necessary to compensate any victims or their families with physical injury or wrongful death claims arising out of the terrorist-related airline crashes in the United States on September 11, 2001.

To be eligible for compensation, applicants will need to provide information about the harm they suffered or death linked to the terrorist-related airline crashes on September 11, 2001. Applicants will not be required to prove negligence or any other theory of liability.

The Department of Justice shall supervise the program and the Senate shall confirm a Special Master to administer the program to determine victim compensation.

QUICK REVIEW AND PAYMENT OF CLAIMS FOR COMPENSATION

The Special Master shall make a final determination of the applicant's eligibility for compensation and appropriate level of compensation within 100 days of having received the application.

In all cases, the compensation shall be paid within 20 days of the final determination.

Filing of a claim under the program will preempt all other civil remedies available under federal or state law for the same physical injury or wrongful death suffered as a result of the September 11, 2001 terrorist acts.

Payments to victims will be tax free.

Mr. LEAHY. I ask for the yeas and nays on the nominees.

The ACTING PRESIDENT pro tempore. The yeas and nays have been previously ordered.

Mr. LEAHY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent to proceed for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. I thank the chairman of the Judiciary Committee for his solid support of Sharon Prost and Reggie Walton and for the work he has done. I also have enjoyed working with him as we have worked to fashion, along with all the people whose names he mentioned, and certainly in the House of Representatives, the law enforcement changes and terrorism laws that really need to occur. I hope we can get that done. I hope we can do it on a completely bipartisan basis. It has to be done.

We have also worked very hard on the airline bill which he has described adequately. I thank him for the efforts he is putting forth, and his staff and, of

course, my staff. A number of these staff people worked all night long on some of this legislation. They deserve an awful lot of credit, along with the White House staff, staffs of both Houses, and the staff of both sides on this issue. I am very grateful that we were able to move ahead on these matters. I hope we can move ahead in a way to protect, preserve, and defend our country as it deserves to be protected, defended, and preserved.

Let's proceed to the vote.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Sharon Prost, of the District of Columbia, to be a United States Circuit Judge for the Federal Circuit? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM), the Senator from Wyoming (Mr. THOMAS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 282 Ex.]

YEAS—97

Akaka	Dorgan	Lugar
Allard	Durbin	McConnell
Allen	Edwards	Mikulski
Baucus	Ensign	Miller
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Graham	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thompson
Corzine	Kohl	Thurmond
Craig	Kyl	Torricelli
Crapo	Landrieu	Voinovich
Daschle	Leahy	Warner
Dayton	Levin	Wellstone
DeWine	Lieberman	Wyden
Dodd	Lincoln	
Domenici	Lott	

NOT VOTING—3

Gramm McCain Thomas

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON THE NOMINATION OF REGGIE B. WALTON

The ACTING PRESIDENT pro tempore. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Reggie B. Walton to be a U.S. District Judge for the District of Columbia? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM), the Senator from Arizona (Mr. MCCAIN), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 283 Ex.]

YEAS—97

Akaka	Dorgan	Lugar
Allard	Durbin	McConnell
Allen	Edwards	Mikulski
Baucus	Ensign	Miller
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Graham	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thompson
Corzine	Kohl	Thurmond
Craig	Kyl	Torricelli
Crapo	Landrieu	Voinovich
Daschle	Leahy	Warner
Dayton	Levin	Wellstone
DeWine	Lieberman	Wyden
Dodd	Lincoln	
Domenici	Lott	

NOT VOTING—3

Gramm McCain Thomas

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the President is notified of these actions taken by the Senate.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume legislative session.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The ACTING PRESIDENT pro tempore. The Senate will stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:17 a.m., recessed subject to the call of the Chair and reassembled at 11:54 a.m. when called to order by the Presiding Officer (Mr. JOHNSON).

The PRESIDING OFFICER. The Senator from Nevada is recognized.

DEFENSE AUTHORIZATION

Mr. REID. Mr. President, the majority and minority leaders have agreed that in the near future, the two managers, Senators WARNER and LEVIN, will move forward with the Defense authorization bill. The opening statements will take some time because this

is such an important piece of legislation.

At some point later in the day, when the House, we hope, completes their work on the airlines legislation, which they have worked on during the night, and we worked on during the night, we will move to that. The managers understand that.

I hope that people will understand how hard these two veteran legislators—Senator LEVIN and Senator WARNER—have worked on this legislation. I personally know of the time they have spent on this bill in the past week, and prior to that they spent much more time on it. This is a very crucial time in the history of this country, and although it is always important, it is even more so now.

I hope Members will be very cautious in trying to make a Christmas tree out of this piece of legislation. The two leaders want as little controversy with this legislation as possible. We understand the Senate rules, that any person can do anything they want with this legislation. But we certainly ask that they be very cautious with this legislation. We have a timeframe within which we very badly need to complete this bill—as soon as possible. By next Wednesday at 2 o'clock, we not only have to complete this legislation but also do the continuing resolution to get us past the fiscal year. So there is really a lot to do.

I repeat for the third time, I hope that Members will be very discrete in what they do with this legislation as it relates to these two managers.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me first thank the Senator from Nevada for his very kind words and for his efforts and the leadership on both sides of the aisle in helping to bring this bill forward. Senator WARNER and I have indeed worked very hard on it and, as always, we have worked together to bring a bill forward that hopefully the Senate can pass and pass quickly. But without the support of our leadership, that would not have been possible. As hard as we and our staffs work, it takes leadership support to make it happen. We are grateful that Senator REID is on the floor, and we thank all leaders not on the floor.

Mr. WARNER. If the Senator will yield, I join that with respect to the leadership provided by our distinguished majority whip. Yesterday on the train, as we were going to New York, we had Senator DASCHLE, Senator LOTT, Senator REID, Senator LEVIN, and I, and I think we finished up basically the procedural and, to some degree, the substantive points that remain, under the circumstances on which we concluded on the eve of visiting ground zero.

That is an example of how, throughout the last six or seven days, Senator LEVIN and I have collaborated on bringing together a closure of the differences that were experienced in the

committee, when the committee for the first time in living memory had a partisan division on reporting out a bill.

I commend our chairman and the leadership. I think we are prepared today to present to the Senate a very fine bill on behalf of the men and women of the Armed Forces, their families, and those who are dependent and work with our Armed Forces. It would be my hope that in the course of the day, we can address such items as Members wish. But I think on our side, having participated in our caucus this morning, there is a feeling that we would like to move forward on this bill; and depending on the number of hours today, quite possibly we can bring to closure a number of issues and possibly begin to focus on when final passage could be achieved, subject to the leadership's desire for the time of the vote.

I thank my colleague.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 163, S. 1438, the Department of Defense authorization bill; that once the bill is reported, I be recognized to offer a managers' amendment; that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object—and I certainly will not object—I have joined with my distinguished chairman in preparation of the managers' amendment and will be a cosponsor of it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

#### AMENDMENT NO. 1598

Mr. LEVIN. Mr. President, the managers' amendment is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 1598.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendment is agreed to, and the motion to reconsider is laid upon the table.

The amendment (No. 1598) was agreed to.

The amendment is as follows:

At the appropriate place in the bill, add the following:

#### SEC. . AUTHORIZATION OF ADDITIONAL FUNDS.

(a) AUTHORIZATION.—\$1,300,000,000 is hereby authorized, in addition to the funds authorized elsewhere in Division A of this Act, for whichever of the following purposes the President determines to be in the national security interests of the United States—

- (1) research, development, test and evaluation for ballistic missile defense; and
- (2) activities for combating terrorism.

Mr. LEVIN. Mr. President, this is no ordinary time in our country. In New York and just across the Potomac in Virginia, our fellow citizens continue to sift through the ruins left by the most deadly attack ever against the United States. Our fury at those who attack innocents is matched by our determination to protect our citizens from more terror and by our resolve to track down, root out, and relentlessly pursue the terrorists and those who would shelter or harbor them. The President spoke eloquently and forcefully last night setting out those goals.

Against this background, we bring the National Defense Authorization Act for Fiscal Year 2002 to the floor of the Senate. The bill authorizes the full amount requested by the administration for national defense, including the \$18.4 billion requested by the President in his amended budget request. The bill also addresses a number of important priorities identified by the Armed Services Committee.

I am pleased we were able to add a significant amount of money, over \$700 million, to the budget request for compensation and quality of life.

We added more than \$1 billion to improve the readiness of the military services to carry out their assigned missions.

We added a large amount of money to advance the transformation of the military services and to improve the capability of the armed forces to meet nontraditional threats, including terrorism.

Even in advance of the terrorist attack on the World Trade Center and the Pentagon, we gave particular attention to the problem of terrorism as reflected in our bill and in the report that accompanies it. Not only did the committee fully fund the President's proposal for combating terrorism, we were able to add funds for a new combating terrorism initiative to improve the ability of the U.S. forces to deter and defend against terrorism, including additional funds for research by the Department of Defense and the Department of Energy on the detection, identification, and measurement of chemical and biological weapons, and funds to upgrade Army installations and make them less vulnerable to terrorism. Much more remains to be done in this area, and that has surely been dramatized by the events of September 11.

We have already passed a \$40 billion emergency supplemental for our war on terrorism. I understand the Department of Defense will be coming forward